

REMARKS

Claims 1-5, 7-8, 10-13, 15-16, 18 and 20-23 are pending. By this Amendment, claims 20-23 are added. Support for the added claims may be found in at least the drawings and paragraph [0015] of the specification.

Applicant thanks Examiner Lockett for the courtesies extended to Applicant's representative during February 6, 2007 and March 1, 2007 telephone conversations. During the February 6 conversation, the representative pointed out that newly cited U.S. Patent No. 4,977,808 to Thacker, applied in a new rejection of claims 1 and 7, appears to require the removal of at least some hardware, such as the knobs 24, before the pick guard 19, alleged to correspond to the claimed cover, can be attached to the stringed instrument body. The Examiner agreed, but stated that another reference, such as U.S. Patent No. 4,213,370, which discloses a pick guard that does not require removal of hardware, could be substituted for the Thacker reference.

The representative then noted that the "means for attaching" of claim 1 is in means-plus-function format, and asserted that, even if a pick guard were considered to be a "cover," the pick guard is not attached by a structure that is identical to, or an equivalent of, Applicant's disclosed structure corresponding to the "means" feature, within the meaning of 35 U.S.C. §112, sixth paragraph. No agreement was reached with respect to this point. Both the 370 patent and "means-plus-function" issue are further addressed below.

The Claims Define Patentable Subject Matter

- A. Applicant notes with appreciation the allowance of claims 10-13, 15, 16 and 18, and the indication of allowable subject matter in claims 2-8 and 6.
- B. The Office Action rejects claims 1 and 7 under 35 U.S.C. §102(b) over Thacker, as discussed above. As also discussed above, as agreed by the Examiner, Thacker in fact does not anticipate claim 1, at least for the reason that it requires removal of hardware

(e.g., the knobs 24) in order to attach the "cover" 19 to the instrument body. Accordingly, withdrawal of this rejection is respectfully requested.

* * *

Additionally, considering U.S. Patent No. 4,213,370, or any other patent disclosing a similar pick guard, it is noted that the pick guard does not extend "over substantially an entire front surface of a string instrument body," as recited in claim 1. Accordingly, a rejection over any such reference would be in error.

* * *

Additionally, a review of the Office Action indicates that a proper analysis under 35 U.S.C. §112, sixth paragraph has not been conducted. During the March 1, 2007 telephone conversation between Examiner Lockett and the undersigned, the Examiner agreed that a pick guard was not attached by anything identical to Applicant's disclosed means for attaching, but asserted that a pick guard is attached by something equivalent. However, no *prima facie* case of equivalence has been established. See, e.g., MPEP §2183 for instructions regarding the proper analysis of equivalence under 35 U.S.C. §112, sixth paragraph. In this regard, Applicant respectfully notes that a pick guard is not an equivalent of Applicant's disclosed structure corresponding to the "means for attaching," at least because a pick guard is not attached in "substantially the same way." Specifically, a pick guard is attached by glue or screws, which is not substantially the same "way" as is done by any of Applicant's disclosed structures corresponding to the claimed means. Additionally, the "result" is not substantially the same, because for example, screws leave permanent holes in the guitar body when removed, and adhesive is not easy to remove, and leaves marks and/or residue on the instrument body when removed.

C. New claims 20-23 are allowable for their dependence on allowable base claims, and for additional features they recite. The applied prior art, and the additional prior

art discussed, clearly does not teach or a cover with a front portion that extends to an outer peripheral edge of the front surface of the stringed instrument body, or a cover with a front portion that comprises flexible material.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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